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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MOYATA ANOTTA, an individual; and NW
METALS, INC., an Oregon corporation,

Plaintiffs,

v.

OREGON DEPARTMENT OF
ENVIRONMENTAL QUALITY, an Oregon
governmental regulatory agency;
RICHARD WHITMAN, an individual;
LEAH FELDON, an individual;
NINA DECONCINI, an individual;
DEREK SANDOZ, an individual;
COURTNEY BROWN, an individual; and
STEVE DIETRICH, an individual,

Defendants.

Case No. 3:22-cv-00953

DEFENDANTS' NOTICE OF REMOVAL (28
U.S.C. § 1446)

Demand for Jury Trial

PLEASE TAKE NOTICE that the civil case of MOYATA ANOTTA, an individual; and
NW METALS, INC., an Oregon corporation v. OREGON DEPARTMENT OF
ENVIRONMENTAL QUALITY, an Oregon governmental regulatory agency; RICHARD
WHITMAN, an individual; LEAH FELDON, an individual; NINA DECONCINI, an individual;

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JSS/jl9/

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DEREK SANDOZ, an individual; COURTNEY BROWN, an individual; and STEVE DIETRICH, an individual, Multnomah County Circuit Court Case No. 22CV18266, is hereby removed to the US District Court for the District of Oregon pursuant to 28 U.S.C. § 1331 and 1446. The grounds for removal are as follows:

1. On June 3, 2022, plaintiffs filed their Complaint in the Multnomah County Circuit Court, Case No. 22CV18266. Pursuant to 28 U.S.C. § 1446(a), a copy of the Complaint is attached to the Declaration of Defendants' Counsel in Support of Removal as Ex. 1. On June 8, 2022, plaintiffs filed their Amended Complaint in the Multnomah County Circuit Court. A copy of the Amended Complaint is attached to the Declaration of Defendants' Counsel in Support of Removal as Ex. 2. The Amended Complaint contains three Claims alleging violation of plaintiffs' civil rights and one common law tort claim alleging intentional infliction of emotional distress.

2. This Notice of Removal is timely under 28 U.S.C. § 1446(b)(3), which provides that a notice of removal must be filed within 30 days after service or other receipt of the initial pleading. The State of Oregon was served June 14, 2022, by acceptance of service by defendants' counsel. A copy of the Acceptance of Service is attached to the Declaration of Defendants' Counsel in Support of Removal as Ex. 3. The Declaration of Service of Summons and Amended Complaint on defendant Steven Dietrich is attached to the Declaration of Defendants' Counsel in Support of Removal as Ex. 4. All defendants join in this removal.

3. As of the date of this Notice, no further proceedings related to the case have been had in the Multnomah County Circuit Court.

4. This court has jurisdiction over the civil rights claims pursuant to 28 U.S.C. § 1331, since those claims raise federal questions. This court has supplemental jurisdiction over the common law tort claim pursuant to 28 U.S.C. 1376(a).

5. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon Plaintiff and a copy will be filed with the Multnomah County Circuit Court.

WHEREFORE, the above captioned case is removed from the Multnomah County Circuit Court to this court, pursuant to 28 U.S.C. § 1446.

DATED July 1, 2022.

Respectfully submitted,

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